



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Division (1145)  
CEPOA-RD  
Post Office Box 6898  
Elmendorf AFB, Alaska 99506-0898

**PUBLIC NOTICE DATE:** 2 March 2007  
**EXPIRATION DATE:** 2 April 2007  
**REFERENCE NUMBER:** GP 2007-372

**GENERAL PERMIT (GP) 2007-372**  
PROPOSED FOR AUTHORIZATION

The public is hereby notified that the Alaska District, U.S. Army Corps of Engineers (Corps) is proposing to issue General Permit (GP) 2007-372 under authority of Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403), and Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et seq.). This GP would authorize the dredging of and/or the discharge of dredged material into waters of the United States (U.S.), for the purpose of suction dredge mining within the State of Alaska. If issued, this GP would be in effect for five years. A copy of the Draft Proposed GP 2007-372 is attached. We are soliciting and accepting comments for the next 30 days on our intent to issue this GP.

INTRODUCTION: GPs are considered appropriate for activities which are substantially similar in nature, cause only minimal adverse environmental impact when performed separately, would have only minor cumulative effects on water quality, and would provide more effective administration of the Clean Water Act and Rivers and Harbors Act without creating an undue burden on the public. However, the Corps retains the discretion to require authorization on a case-by-case basis if it is believed that effects are greater than de-minimus.

Suction dredge mining is defined as the removal of sediment with a suction device from the bottom of a water body for the purpose of extracting gold or other precious materials. The Corps has jurisdiction over suction dredge mining activities in waters of the U.S. under two different laws: Section 10 Rivers and Harbors Act and Section 404 of the Clean Water Act.

Section 10 Waters: Section 10 waters are navigable waters defined as "those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce." All tidal and marine waters are also considered navigable. Also, the Alaska District has approved 47 segments of waters that are not tidal, but are considered navigable. Specifically, the Corps regulates any work in, over, or under navigable waters of the United States, or which affects the course, location,

condition or capacity of Section 10 waters. For example, in a Section 10 water such as Norton Sound, the Corps regulates the work activity when sea bottom sediment is disturbed and suctioned up through the nozzle, then passed through a sluice box or similar equipment to be redeposited on the sea bottom in a different location (the sediment that is redeposited would be regulated under Section 404 and the work in the water would be regulated under Section 10).

**Section 404 Waters:** Section 404 waters are waters of the U.S. including essentially all surface waters (including navigable waters and their tributaries), all interstate waters and their tributaries, and all impoundments of these waters, all wetlands adjacent to these waters. Specifically, the Corps regulates the discharge of dredged and/or fill material into these waters. The definition of discharge of dredged material includes, but is not limited to, any addition of dredged material, including redeposit of dredged material or excavated material other than incidental fallback within, into the waters of the United States. For example, in a Section 404 stream such as American Creek, the Corps does not regulate when stream sediment is suctioned up through the nozzle or passed through a sluice box or similar equipment; however, the Corps does regulate the redeposit of material back into this Section 404 water, American Creek.

A drawing depicting the jurisdictional waters of the Corps can be found at <http://www.poa.usace.army.mil/reg/NeedPermit.htm#Regulatory>.

Since 2001, authorizations for suction dredge activities, including GPs and Individual Permits, have been required 69 times, resulting in an estimated disturbance of 204 acres of waters of the U.S. For additional information on cumulative use, see table below.

Suction Dredge Activities Authorized Since 2001		
Jurisdiction	No. Projects Authorized	Total Area Impacted (Acres)
Section 10	31	109
Section 404	38	95
Totals	69	204

**PROPOSED ACTIVITY:** The Corps of Engineers proposes to authorize a GP for suction dredge mining activities within the State of Alaska. See attached Draft Proposed GP 2007-372 for additional information. This GP would authorize proposed discharges and work provided the District Commander (DC), or his designee, determines that the proposed activity would be minor, would not have more than minimal individual or cumulative adverse impacts on the human environment, and the DC has conducted consultation with appropriate Federal and State regulatory and resource agencies.

**GENERAL PERMIT BOUNDARY:** The GP boundary is the entire state of Alaska.

**WATER QUALITY CERTIFICATION:** A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

**COASTAL ZONE MANAGEMENT ACT CERTIFICATION:** Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

**CULTURAL RESOURCES:** The Corps has conditioned the GP to protect cultural resources. Any comments the State Historic Preservation Officer has concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: The Corps has conditioned the GP to protect endangered species. Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). If an activity is located in EFH, the DC, or his designee, will consult with NMFS to determine if the described activity would adversely affect EFH, including anadromous fish and federally managed fishery resources. Project-specific conditions would be added as appropriate to reduce impacts to fish habitats and EFH.

This Public Notice initiates consultation requirements with the NMFS under the MSFCMA. Any conservation recommendations regarding EFH for federally managed fish will also be considered in our final EFH assessment of the GP.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the DC during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not

comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the DC determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Julie Woodke at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by email at julie.a.woodke@poa02.usace.army.mil if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States - Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

The following are attached to this Public Notice: The Draft Proposed GP, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification.

District Engineer  
U.S. Army, Corps of Engineers

Attachments

**GENERAL PERMIT POA-2007-372**  
**Suction Dredge Activities within the State of Alaska**

This general permit (GP) authorizes the dredging of and/or the discharge of dredged material into waters of the United States (U.S.), for the purpose of suction dredge mining within the State of Alaska. The authorized work shall be conducted under the specific conditions listed below. Suction dredge mining is defined as the removal of sediment with a suction device from the bottom of a water body and the discharge or redeposit of dredged material for the purpose of extracting gold or other precious materials. The conditions of the GP are intended to ensure that impacts to the aquatic environment are minimal. Reclamation is an integral part of this GP. The goal is to restore the bottom of the stream or the sea to pre-disturbance conditions, in turn having a minimal impact on the environment. The Secretary of the Army issues this Regional General Permit pursuant to Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et seq.), and Section 10 of the Rivers and Harbors Act of 1899.

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**AUTHORIZED ACTIVITIES:**

**All suction dredge** activities in waters of the U.S. that comply with the conditions of the GP listed below.

**Exceptions:** General Permits have restrictions. If your operations do not fit within these limitations, this GP will not apply, and you may be required to obtain a different type of permit. This GP does not cover the following operations:

- Habitat: This GP does not apply to projects in coral, eelgrass beds, seagrass beds, kelp beds, macro-algae, vegetated shallows, shellfish beds, mudflats, or wetlands.
- Other Mining Activities: This GP does not authorize additional placement of dredged and or fill material into waters of the United States for any activity related to suction dredging other than the suction dredging itself. This includes placer mining, hard rock mining, and gravel mining operations.
- Mining in the Municipality of Anchorage: This GP does not apply within the Municipality of Anchorage.

Additionally, this GP does not apply to the following situations unless approval is obtained from the appropriate agency through agency coordination:

- State Designated Special Areas, **unless** the activity is specifically authorized by the agency with jurisdiction over these lands. Examples of these special areas are Game Refuges and Sanctuaries, and Critical Habitat Areas.
- Archaeological, cultural, or historic properties are adversely affected **unless** coordination with the State Historic Preservation Office, and if necessary, the Advisory Council on Historic Preservation is completed. This exception is per Section 106 of the National Historic Preservation Act. These are properties which the National Park Service has listed, or has determined eligible for listing, on the National Register of Historic Places.
- Federally Designated Areas (existing or nominated): Examples of these designated areas are National Wildlife Refuges, National Parks, and National Wild and Scenic Rivers.
- Endangered or threatened species would be adversely affected, as determined by the U.S. Fish and Wildlife Service.
- Essential Fish Habitat that would be adversely affected, including anadromous fish and federally managed fishery resources, as determined by the National Marine Fisheries Service.

**CONDITIONS OF THE GENERAL PERMIT:**

1. Your use of the permitted activity must not interfere with the public's right to free navigation on all navigable waters of the U.S.
2. You must install and maintain, at your expense, any safety lights and signals prescribed by the United States Coast Guard (USCG), through regulations or otherwise, on your authorized facilities. The USCG may be reached at the following address and telephone number: Commander (oan), 17<sup>th</sup> Coast Guard District, P.O. Box 25517, Juneau, Alaska 99802; or by telephone at (907) 463-2269.
3. The permittee understands and agrees that, if future operations by the U.S. require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.
4. Dredged material, including spoils and tailings, shall be placed so that it does not pose a hazard to navigation.
5. Stream banks shall not be disturbed or affected.
6. Any suction dredge activity shall provide for the free passage of fish, both upstream and downstream with no barriers or entrapments, consistent with State of Alaska Department of Natural Resources, Office of Habitat Management and Permitting (ADNR-OHMP) Statutes A.S. 41.14.840 - 41.14.860.
7. Suction dredge activities which are located in waters used by anadromous fish species shall be consistent with State of Alaska Department of

Natural Resources, Office of Habitat Management and Permitting (ADNR-OHMP) Statutes A.S. 41.14.870 and must comply with any Alaska Department of Natural Resources, Office of Habitat Management and Permitting (ADNR-OHMP) Fish Habitat Permit issued for the project under A.S. 41.14.870, if a permit is required. Violation of the Fish Habitat permit shall be grounds to suspend or revoke the authorization granted by this GP.

8. The proposed suction dredge activity shall not adversely affect Essential Fish Habitat (EFH). Section 305 (b) of the Magnuson-Stevens Fishery Conservation and Management Act and 50 CFR Part 600 provide the requirements for EFH consultation. The District Commander (DC) shall make a determination whether or not the action will adversely affect EFH. The determination and an EFH assessment (per 50 CFR 600.920) shall be provided in any subsequent notice should the action adversely affect EFH. If necessary, the National Marine Fisheries Service (NMFS) will provide EFH Conservation Recommendations as defined in Section 305 (b) (4) (A) and 50 CFR Part 600.
9. The proposed suction dredge activity shall be in compliance with any applicable National Pollution Discharge Elimination System permit requirements.
10. Activities covered under this GP shall not adversely affect any species listed as threatened or endangered under the Endangered Species Act of 1973, (Act), nor jeopardize the continued existence of any proposed species under the Act. The DC shall conduct a determination of effect by contacting the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for each application received as a GP request, or require documentation of such contact from operators with an approved Federal plan of operation. If it is determined that listed species are likely to be adversely affected, and/or proposed species are likely to be jeopardized by the permitted action or related activities, this GP shall not apply until consultation of section 7 of the Endangered Species Act is complete.
11. No suction dredge mining activity shall be located within one-quarter mile of an eagle nest site unless the Fish and Wildlife Service determines that the activity will not impact the eagles. The applicant has additional responsibilities to protect eagles under provisions of the Eagle Protection Act (16 USC 668-668c, revised November 8, 1978).
12. If you discover any previously unknown historic or archaeological remains while accomplishing the activity authorized by this GP, you must immediately stop work and notify this office, the State Historic Preservation Office, and the coastal district (if within a coastal district), of what you have found. The DC will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places. (If the activity occurs on Federal land, the Federal land manager is responsible for coordination.)
13. The conditions found on the State of Alaska Department of Environmental Conservation, Certificate of Reasonable Assurance, pursuant to Section 401 of the Clean Water Act, are attached to the Department of the Army General Permit, if applicable.

**Reclamation:** Tailings and disturbed sediment shall be reclaimed to original stream bottom or sea bottom contours while the mining activity is ongoing and prior to the end of the mining season. Exceptions and additions to these requirements can be made on a case-by-case basis when approved by the appropriate land manager and the Corps.

**Inspection:** You must allow the DC, or his designated representative(s), to inspect the authorized activity at any time deemed necessary to ensure work is being, or has been, accomplished in accordance with the terms and conditions of this GP.

In the event that work is being or has been performed in noncompliance with this GP, appropriate measures will be taken to resolve the violation. This may include a requirement to obtain an individual permit.

Refusing access to an inspection of the authorized activities shall be considered non-compliance with the terms and conditions of this GP.

Any operator found in non-compliance with this GP may not be issued another GP authorization until the non-compliance is resolved.

Non-compliance with reporting requirements may result in permit revocation, directed restoration of affected areas, and/or imposition of civil and criminal penalties.

#### **APPLICATION PROCEDURES:**

##### **Notification Requirements:**

For all suction dredge activities that use nozzles greater than 6 inches, the operator must notify the Corps of their intent to mine prior to beginning the work.

There are two ways to notify the Corps:

1. Mine operators may submit a letter to the Corps requesting GP coverage. Alternatively, the operator may complete a DA permit application (ENG FORM 4345) [available at a Corps office or at our website: <http://www.poa.usace.army.mil/reg/>]. Applications submitted directly to the Corps will receive initial review for completeness within fifteen days of receipt. The request for a GP must include:

- a legible map showing the location of the proposed work, including directions with mileages to turnoffs and the USGS quadrangle map
- a description of the type/size of equipment to be used, including nozzle size
- drawings that show the approximate dimensions (area) of the activity
- estimate of the quantity of material to be processed through the dredge
- Latitude and Longitude of the project area

The letter (or application) and accompanying drawings must have sufficient detail for the application to be considered completed. The Corps will contact the miner for additional drawings and/or information if necessary. After receipt of a complete GP application, the Corps will notify the applicant to confirm that their work will be covered under this GP, or



that an individual permit is required. **If the suction dredge activity uses a nozzle size greater than 6 inches, no work can proceed without Corps confirmation.**

OR

2. If you have received this GP after filing an Annual Placer Mining Application (APMA), or multi-year APMA, with ADNRR, no further action is required. The APMA is your permit application.

Operators can notify the Corps by submitting an accurate State of Alaska APMA or a multi-year APMA to ADNRR, which will make it available to the Corps. The APMA must include:

- Previous Corps permit file number, if applicable
- Latitude and Longitude of the project area

Drawings must be of sufficient detail for the APMA to be considered a complete GP application by the Corps. The Corps will review APMA's submitted to ADNRR as workload priorities permit. The Corps will contact the miner for additional drawings and/or information, if necessary. After receipt of a complete GP application, the Corps will notify the applicant that their work will be covered under this GP, or that an individual permit is required. **If the suction dredge activity uses a nozzle size greater than 6 inches, no work can proceed without Corps confirmation.**

**Authorization Process:** All mining operations proposed for authorization under this GP will be authorized as follows:

1. Applicant notifies the Corps by either of the methods outlined in paragraph 1. or 2. above.
2. The Corps will review the application and preliminarily determine that the GP is applicable and/or if agency coordination is necessary.
3. Agency coordination will be necessary if the preliminary review finds potential impacts to resources such as essential fish habitat, anadromous streams, threatened or endangered species, or cultural resources. Corps will initiate agency coordination by sending plans to appropriate agencies.
4. Agencies have 10 calendar days from the date this notification is transmitted to contact the Corps in writing, by FAX, e-mail, or by telephone, with comments on the project.
5. The Corps issues the applicant a GP authorization letter, or based upon review, the Corps notifies the applicant that a GP is not appropriate for the proposed operation. Special conditions can be added to the GP authorization letter.
6. Permittee should retain all original mine authorizations in a safe location, and a duplicate copy at the mine site in possession of the operator for review by visiting agencies.

**OTHER INFORMATION:**

**Reevaluation of a Permit Decision:** The Corps may reevaluate its decision to issue a GP authorization at any time the circumstances warrant.

Circumstances that could require a reevaluation include, but are not limited to, the following:

- The permittee fails to comply with the terms and conditions of this permit.
- Appropriate new information surfaces, which this office did not consider in reaching the original public interest decision.

A reevaluation may result in:

- a decision to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7
- a decision to use enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. These enforcement procedures provide for the issuance of an administrative order requiring compliance with the terms and conditions of the permit and for the initiation of legal action where appropriate.

The permittee will be required to pay for any corrective measures ordered by this office, and if there is a failure to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract, or otherwise, and bill you for the cost.

Extension, Modification, and Revocation of the General Permit:

- **This GP may be revoked by issuance of a Public Notice at any time the DC determines that the singular or cumulative effects of the activities authorized herein are having an unacceptable adverse impact upon the public interest. Following such revocation, all new applications will be processed under individual permit application review procedures and the DE would decide on a case-by-case basis if previously authorized activities should be revoked, suspended, or modified.**
- The DC has the discretionary authority to review any individual mining activity, or class of activities to determine whether the activity complies with the GP. If the DC finds that the activity has more than minimal individual or cumulative net adverse impacts on the environment or otherwise may be contrary to the public interest, prospective permittees will be required to apply for an individual permit.
- This GP will be effective for a period of five (5) years. During that time, the DC may modify it if he determines that the singular or cumulative impacts of the activities authorized by this GP have an unacceptable adverse effect upon the public interest. During its fifth year, this GP and the work authorized under it shall be reviewed to determine if this GP should be modified, extended, or discontinued.
- Activities that are authorized/underway prior to the GP expiration date must be completed within twelve (12) months of the GP's expiration date, and the permittee must notify the Corps of his/her intent to continue mining. Further time extensions may be considered on a case-by-case basis under the provisions of 33 CFR 325.6.

**Penalties for Violations:** Failure to comply with the terms and conditions of this GP may result in:

- suspension of work
- revocation of permit
- removal of dredged and/or fill material or other structures
- directed restoration of waters and/or wetlands
- imposition of penalties as provided under Section 301 of the Clean Water Act (33 USC 1319), or Section 9 of the Rivers and Harbors Act of 1899 (33 USC 401).

**Limits of This Authorization:**

- This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- This permit does not grant any property rights or exclusive privileges.
- This permit does not authorize any injury to the property or rights of others.
- This permit does not authorize interference with any existing or proposed Federal Project.

**Limits of Federal Liability:** In issuing this permit, the Federal Government does not assume any liability for the following:

- Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- Design or construction deficiencies associated with the permitted work.
- Damage claims associated with any future modification, suspension, or revocation of this permit.

**TERM:**

This GP is effective for 5 years from the date of issuance unless otherwise modified, suspended, or revoked. Authorized work must be completed by the date specified in the authorization letter.

FOR THE DISTRICT COMMANDER:

\_\_\_\_\_  
Chief, North Branch  
Regulatory Division  
Alaska District, Corps of Engineers

\_\_\_\_\_  
Date

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES OFFICE OF PROJECT MANAGEMENT AND PERMITTING

OFFICE OF PROJECT MANAGEMENT AND PERMITTING  
550 WEST 7<sup>TH</sup> AVENUE, SUITE 705  
ANCHORAGE, ALASKA 99501-3559  
PHONE: (907) 269-7470/FAX: (907) 269-3981

### NOTICE OF APPLICATION FOR CERTIFICATION OF CONSISTENCY WITH THE ALASKA COASTAL MANAGEMENT PROGRAM

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. GP 2007-372, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

This project is being reviewed for consistency with the Alaska Coastal Management Program. Written comments about the consistency of the project with the applicable ACMP statewide standards and district policies must be submitted to the Office of Project Management and Permitting (OPMP). For information about this consistency review, contact OPMP at the address or phone number above, or visit the ACMP web site at <http://www.alaskacoast.state.ak.us//Projects/projects.html>.

# STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER  
401 Certification Program  
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
WQM/401 CERTIFICATION  
555 CORDOVA STREET  
ANCHORAGE, ALASKA 99501-2617  
PHONE: (907) 269-7564/FAX: (907) 334-2415

## NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. 2007-372, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.